

ITEM NO.14

Court 4 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).7456-7457/2020

(Arising out of impugned final judgment and order dated 25-02-2020 in WP No. 10345/2019 passed by the High Court of Judicature at Bombay and 23-04-2020 in AN No. CL/IDA/25(M)/CASE NO.01/2020 passed by the Commissioner of Labour, Government of Maharashtra, Mumbai)

EUROTEX INDUSTRIES AND EXPORTS LIMITED

Petitioner(s)

VERSUS

ADDITIONAL COMMISSIONER OF LABOUR CUM
 SPECIFIED AUTHORITY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.53903/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.53904/2020-EXEMPTION FROM FILING O.T. and IA No.53905/2020-INTERVENTION/IMPLEADMENT, IA No. 112606/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 17-01-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. J.P. Cama, Sr. Adv.
 Mr. Rituraj Biswas, AOR
 Mr. Avinash Jalihatgi, Adv.
 Mr. Mayan Prasad, Adv.
 Ms. Sujaya Bardhan, Adv.

For Respondent(s) Mr. Sachin Patil, AOR
 Mr. Rahul Chitnis, Adv.
 Mr. Aaditya A. Pande, Adv.
 Mr. Geo Joseph, Adv.
 Ms. Shwetal Shepal, Adv.

 Mr. M. Shoeb Alam, Adv.
 Ms. Fauzia Shakil, AOR

UPON hearing the counsel the Court made the following
O R D E R

1 In pursuance of the order of the Single Judge of the High Court of Judicature at Bombay dated 25 February 2020, the petitioner participated in the proceedings

before the Commissioner of Labour which resulted in an order dated 23 April 2020. The Special Leave Petitions before this Court under Article 136 of the Constitution of India were instituted on 13 May 2020. The petitioner has sought to challenge both the order of the High Court dated 25 February 2020 as well as the order of the Commissioner of Labour dated 23 April 2020 in these proceedings.

- 2 We are not inclined to entertain a petition under Article 136 of the Constitution against the order of the High Court which has been duly acted upon and when a fresh order has been passed by the Commissioner of Labour, after hearing all the parties, including the petitioner. As regards the order of the Commissioner of Labour dated 23 April 2020, there is no reason for this Court to exercise its jurisdiction under Article 136 of the Constitution. The petitioner is at liberty to pursue the remedies available in law in the form of a petition under Article 226 of the Constitution. We, therefore, decline to entertain the Special Leave Petitions. However, we clarify that the petitioner would be at liberty to pursue the rights and remedies against the order dated 23 April 2020 of the Commissioner of Labour.
- 3 Subject to the grant of the aforesaid liberty, the Special Leave Petitions are dismissed.
- 4 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER